REMARKS

Claims 1-21 are pending in the present application. Claims 1, 6, 10, 15, and 19 are the independent claims. In the Official Action, dated July 1, 2005, claims 1-21 were rejected under § 102(e) as being allegedly anticipated by U.S. Patent No. 6,145,089 (Le et al.).

Rejection of Claims 1-21 under 35 U.S.C. § 102(e)

In view of the Final Rejection following Applicants' telephonic interview, herein some of the claim amendments made September 22, 2005 have been withdrawn, restoring those claims to the pre-amended state for affected claim elements. Other claim amendments have been made to more clearly recite the invention for discussion. No new matter was added.

In this regard, the outstanding rejection to the claims based on Le et al. is respectfully traversed. In this regard, claims 1, 6, 10, 15, and 19, as amended, are the independent claims, each reciting unique aspects of Applicants' invention.

For example, in one aspect, claim 1 recites "**a master server** managing notifications **from one or more clients and from the plurality of servers as to whether servers are offline**, the master server verifying whether a server is offline when so notified, and where the server has been verified as offline, so notifying the plurality of servers other than the server that has been verified as offline." [emphasis added]

In this regard, the role manager 410 of Fig. 4 is not understood by Applicants to teach or suggest managing notifications from *both* the clients making requests on the network and from the plurality of servers as to whether the servers are offline, i.e., there is at least no disclosure of the role manager 410 of Le et al. managing notifications from clients as to whether the servers are offline. Reconsideration and withdrawal of the rejection to claim 1 based on Le et al. is thus respectfully requested.

With respect to independent claim 6, in one aspect, a database element is recited for "**storing data responsive to client requests of any respective type and which is partitioned for caching over the plurality of servers**, each server caching the data stored in the database responsive to client requests of the respective type, each server also temporarily

caching the data stored in the database responsive to client requests other than the respective type when the other of the plurality of servers within the same failover group are offline." [emphasis added]

Reviewing Col. 2, lines 21-63 cited in the Official Action for the disclosure of "failover server redistribution of service groups," Applicants note that there is no disclosure therein or in the associated Fig. 1B of either first database 136 or second database 126 having this capability. To the contrary, databases 126 and 136 explicitly provide separate services. See Col. 2, lines 21-63. Applicants respectfully request the Examiner to reconsider whether either database 136 or database 126 is believed to possess the capability of Applicants' claimed database that is responsive to client requests of any respective type and which is partitioned for caching over the plurality of servers, as recited in claim 6.

With respect to claim 10, as amended, Applicants claim "determining, by the client, a failover server in a failover group, wherein the failover group is selected from a plurality of servers." See, for example, Applicants' specification at paragraph [0042]. Le et al. is believed by Applicants to include no such behavior by the client making the request to the server. To the contrary, Le et al. is merely understood to disclose at Col. 2, lines 37-63 that the actual redistribution of Le et al. is based on the priority of the available servers established by the election process (not the client). Reconsideration and withdrawal of the rejection to claim 10 is respectfully requested.

With respect to claim 15, Applicants have amended the claim herein to state explicitly that which was already implicit from the preamble of the claim, namely, that it is method for performance *by a server* (as opposed to multiple interacting components). In contrast, as set forth on page 8, the Official Action relies on more than the actions of a server to allegedly anticipate claim 15, e.g., referring to steps allegedly fulfilled by "the kernel acting with the heartbeat manager" (not the server). Accordingly, Le et al. cannot be said to teach or suggest the invention as performed by Applicants' claimed server. Reconsideration and withdrawal of the rejection to claim 15 is respectfully requested.

Finally, with respect to claim 19, similar to the remarks presented above with respect to claim 10, Le et al. cannot be said to teach or suggest "notifying a failover group of servers selected by the client from a plurality of servers." Again, please see paragraph [0042] of

Applicants' disclosure as compared to the election process of Le et al. Accordingly, reconsideration and withdrawal of the rejection to claim 19 based on Le et al. is respectfully requested.

Inasmuch claims 2-5, 7-9, 11-14, 16-18, and 20-21 depend either directly or indirectly from independent claims 1, 6, 10, 15, and 19, respectively, they are believed allowable for the same reasons. Withdrawal of the rejection under § 102(e) is therefore earnestly solicited.

CONCLUSION

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official action, and submit that Claims 1-21 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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